

PATENT COOPERATION TREATY

REC'D	27 JUL 2005
WIPO	PCT
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From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)		
Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/IB2005/051245	International filing date (day/month/year) 15.04.2005	Priority date (day/month/year) 20.04.2004
International Patent Classification (IPC) or both national classification and IPC G11B7/24, G11B7/135		
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

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For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Poth, H Telephone No. +49 89 2399-2149	
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/051245

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.
PCT/IB2005/051245

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-16
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-16
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-16
	No:	Claims	

2. Citations and explanations

see separate sheet

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2. Citations and explanations

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: US 5,614,938

2. As to claim 1, D1 describes how a change in the thickness of a spacer layer amounts to spherical aberration (cf. in D1 col.11 l.18-60).

D1, however, does not proceed to derive e.g. limits for the thicknesses of the spacer layers nor their weighted refractive indexes as presently claimed (cf. loc. cit.).

Thus, the subject-matter of claim 1 involves an inventive step.

This applies to claim 8 mutatis mutandis.

Further remarks

1. Claim 1 relates to a so called double pass transmission f which is, however, not defined in that claim; thus, claim 1 is not clear (Art.6).

This applies mutatis mutandis to claim 8.

2. Claim 8 being directed to a medium as such refers to the numerical aperture of a lens and the wavelength of a radiation with which that medium is to be used, but which do not form part of the medium as such; this is not clear (Art.6).

3. The present application refers to other patent applications without indicating their official numbers or the like (cf. p.4 l.22-25, p.28 l.12-16 and p.29 l.30). Thus, these references can not be maintained.

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see separate sheet

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AUTHORITY (SEPARATE SHEET)**

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